

IFW



Darren P. Chermack
9049 Pillsbury Avenue South
Bloomington, Minnesota 55420

Date: August 5, 2005

Priority Mail # 7005 0390 0001
Return Receipt Requested 8126 5248

Office of Initial Patent Examination
2900 Crystal Drive
South Tower Building
Alexandria, VA 22212

RE: Patent Application No. 10/655,112

Dear Sir:

Enclosed please find my petition for re-consideration of the holding of abandonment of patent in question herein.

I make this petition in accordance with 37 CFR 1.137.

If you have any questions regarding this petition, or this instant application, please contact me at the address listed below.

I thank you for your consideration.

Sincerely,

Darren P. Chermack

Attached: Statement of the case
 Affidavit of non-receipt of correspondence
 Copy of Email response from USPTO
 Copy of NOTICE OF ABANDONMENT UNDER 37CFR 1.53 (f) OR (g)



Office of Initial Patent Examination
2900 Crystal Drive
South Tower Building
Alexandria, VA 22212

Priority Mail # 7005 0390 0001 5926 5248
Return Receipt Requested

TO: Office of Initial Patent Examination

RE: Application No. 10/655,112
Filing Date: 9/04/2003
Applicant: Darren P. Chermack

Petition for re-consideration of the holding of abandonment
Under CFR37.1.137

Statement of the case

Original application for utility patent was submitted on September 4, 2003 with the appropriate filing fee. In September, 2004, a contact was made to the Patent Office to check on the status of the application, at which time it was learned that the application was still "in que" and awaiting an initial review. Ten months later in July 2005, I received a notice that the patent application in question had been abandoned for failure to respond to a "Notice to File Missing Parts". This recent letter dated July 14, 2005 is the only written correspondence received from the Patent Office since acknowledgement of receipt of the original application. No letter or any request for any drawings, or any other correspondence from the Patent Office was received and therefore no reply was submitted.

I respectfully request the revival of the original patent application numbered 10/655,112 and look forward to an initial examination of said application.

Sincerely,


Darren P. Chermack

Please address all correspondence to Darren P. Chermack
9049 Pillsbury Avenue South
Bloomington, Minnesota 55420




County of Hennepin)
) ss
State of Minnesota)

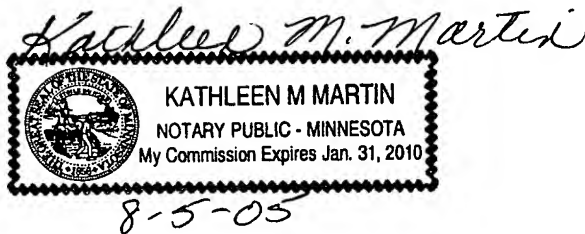
Affidavit of Non-Receipt of Correspondence

I, Darren P. Chermack, being first duly sworn declare and affirm the following:

- 1) That I am the applicant for patent application Number 10/655,112;
- 2) That I filed the original application, receipt for which was mailed to me on 9/4/2003;
- 3) That I made a contact to the USPTO in September of 2004 for the purpose of checking on the status of the application;
- 4) That I was informed that the application in question was "in que" awaiting initial examination, and this was verified in an email from the USPTO;
- 5) That in July of 2005 I received a "NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g), CONFIRMATION NO. 6879 dated 7/14/2005;
- 6) That within the time-frame of the initial receipt of the patent application on September 4, 2003 and notification of abandonment sent on July 14, 2005 I received no correspondence whatever with regard to the application in question here.

Further Affiant sayeth nought.


Darren P. Chermack





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 10/655,112 | 09/04/2003 | Darren P. Chermack | |

Darren Chermack
 9049 Pillsbury Avenue South
 Bloomington, MN 55420

CONFIRMATION NO. 6879

**ABANDONMENT/TERMINATION
 LETTER**



OC000000016528386

Date Mailed: 07/14/2005

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 11/28/2003.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item (s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

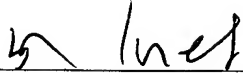
If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

A copy of this notice MUST be returned with the reply.



Office of Initial Patent Examination (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



Subject: Re: Application Inquiry [X200409223443]

From: "EBC" <EBC@USPTO.GOV>

Date: Wed, 22 Sep 2004 14:08:40 -0400

To: <tristan@thelostboys.org>

It looks like this application is still in Pre-Exam processing.

For more information, please call 703-308-1202

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-----Original Message-----

From: Tristan
Sent: Wednesday, September 22, 2004 1:49 PM
To: EBC
Subject: Application Inquiry

To whom it may concern,

I would like to know the status of my utility patent application
10/655112, submitted on 9/4/03.

The title of the device is "Dumbell Adjustable in Weight".

Thank you,
Darren Chermack